

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JON ALMGREN, et al.,
Plaintiffs,
v.
WILLIAM SHULTZ, et al.,
Defendants.

No. C 16-2611 CW
ORDER DISMISSING
PLAINTIFFS' STATE
LAW CLAIMS AGAINST
DEFENDANT WILLIAM
SHULTZ

_____/

Plaintiffs Jon Almgren and Melissa Almgren move for default judgment against Defendant William Shultz. They ask the Court to retain jurisdiction over their state law claims against him. Docket No. 33. Defendant William Shultz defaulted. Docket No. 22. Having considered the papers filed by Plaintiffs, the Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims and dismisses them without prejudice to re-filing them in state court.

BACKGROUND

This case arises from the tragic death of nine-year-old Jordon Almgren on April 26, 2015 at the hands of Defendant William Shultz. The Court has previously summarized the facts of the case. Docket No. 19.

On May 13, 2016, the Almgrens filed this suit as individuals and as successors-in-interest and personal representatives of the estate of their son, Jordon Almgren, against William and Katherine Shultz, Contra Costa County, Contra Costa Health Services, Contra Costa County Office of the Sheriff, and Contra Costa County

1 Sheriff's Deputy Miguel Aguilera. Docket No. 1. On July 18,
2 2016, the Court dismissed Plaintiffs' claims against the last four
3 Defendants listed, referred to as County Defendants, with leave to
4 amend within fourteen days, Docket No. 19, and ordered Plaintiffs
5 to request entry of default against William and Katherine Shultz,
6 Docket No. 18. On July 27, 2016, Plaintiffs and County Defendants
7 entered a stipulated dismissal of the claims against County
8 Defendants. Docket No. 23. As a result, only state law claims
9 against individual Defendants William and Katherine Shultz
10 remained.

11 On August 1, 2016, Defendant Katherine Shultz filed her
12 answer to Plaintiffs' complaint. Docket No. 24. On August 2,
13 2016, the Court ordered Plaintiffs to demonstrate the Court's
14 jurisdiction over their claims against Katherine Shultz. Docket
15 No. 25. On August 12, 2016, the Court dismissed the claims
16 against Katherine Shultz without prejudice. Docket No. 27.

17 On July 28, 2016, the Clerk entered default as to Defendant
18 William Shultz. Docket No. 22. On August 16, 2016, the Court
19 ordered Plaintiffs to move for default judgment against William
20 Shultz and to demonstrate the Court's jurisdiction over their
21 claims against him. Docket No. 28.

22 LEGAL STANDARD

23 A district court must exercise supplemental jurisdiction over
24 all non-federal claims that are "so related to claims in the
25 action within such original jurisdiction that they form part of
26 the same case or controversy under Article III of the United
27 States Constitution." 28 U.S.C. § 1367(a). A district court may
28 decline to exercise supplemental jurisdiction when "the district

1 court has dismissed all the claims over which it has original
2 jurisdiction." 28 U.S.C. § 1367(c)(3); Acri v. Varian Associates,
3 Inc., 114 F.3d 999, 1001 (9th Cir. 1997) (en banc) (district
4 court's discretion to decline to exercise supplemental
5 jurisdiction is triggered by any one of the conditions in
6 § 1367(c)).

7 The Court's "discretion to decline to exercise supplemental
8 jurisdiction over state law claims . . . is informed by the
9 [United Mine Workers v. Gibbs, 383 U.S. 715 (1966)] values of
10 'economy, convenience, fairness, and comity.'" Acri, 114 F.3d at
11 1001. Following Supreme Court precedent, the Ninth Circuit has
12 repeatedly held that, "in the usual case in which all federal-law
13 claims are eliminated before trial, the balance of factors . . .
14 will point toward declining to exercise jurisdiction over the
15 remaining state-law claims." Id. at 1001 (quoting Carnegie-Mellon
16 University v. Cohill, 484 U.S. 343, 350 n.7 (1988)). As a result,
17 in such a case state law claims generally should be dismissed,
18 although dismissal is not required. Id. at 1000 (citing Gibbs,
19 383 U.S. at 726); Carnegie-Mellon, 48 U.S. at 350.

20 DISCUSSION

21 Because jurisdiction is a threshold matter, Steel Co. v.
22 Citizens for a Better Environment, 523 U.S. 83, 94 (1998), the
23 Court considers first the issue of supplemental jurisdiction over
24 Plaintiffs' state law claims. Because the Court declines to
25 exercise supplemental jurisdiction over Plaintiffs' state law
26 claims, it does not reach Plaintiffs' motion for default judgment.

27 Because Plaintiffs' four federal claims have been dismissed
28 and Plaintiffs have not alleged any federal claims against the

1 sole remaining Defendant, the Court has discretion to decide
2 whether to exercise supplemental jurisdiction over Plaintiffs'
3 remaining state law claims. The Court's discretion is guided by
4 the Gibbs factors of economy, convenience, fairness and comity.

5 Plaintiffs urge the Court to retain supplemental jurisdiction
6 over their wrongful death and intentional infliction of emotional
7 distress claims in order to enter default judgment and hold a
8 hearing on the amount of damages. Plaintiffs argue that these
9 final proceedings are not complex, and that declining jurisdiction
10 would force Plaintiffs to expend additional resources to sue
11 William Shultz in state court.

12 The Court finds that the Gibbs factors weigh against
13 exercising supplemental jurisdiction over Plaintiffs' remaining
14 state law claims. The case is not close to trial. It has been
15 before the Court a relatively short time--approximately four
16 months--and has not required complex motion practice or any
17 discovery. The burden on a state court to familiarize itself with
18 the facts and history of this case would not be great. Plaintiffs
19 will not be materially harmed by any delay in their potential
20 relief because Plaintiffs acknowledge that William Schultz is
21 incapable of paying monetary damages at any point in the
22 foreseeable future. Pl.'s Mot. for Default Judgment at 8.

23 Because only state law claims remain, comity strongly favors
24 dismissal. Furthermore, the determination of Plaintiffs' damages
25 under state law is not necessarily simple, even assuming
26 Plaintiffs' evidence goes uncontested, and would best be decided
27 by a state court with a "surer-footed reading of applicable law."
28 Gibbs, 383 U.S. at 726.

1 Finally, the Ninth Circuit has repeatedly upheld district
2 courts' exercise of discretion to decline supplemental
3 jurisdiction over remaining state claims after federal claims had
4 been dismissed. See, e.g., Coomes v. Edmonds School Dist. No. 15,
5 816 F.3d 1255, 1265 (9th Cir. 2016) (affirming district court's
6 summary judgment for defendants on federal claim and directing
7 court on remand to "first consider whether to continue to exercise
8 its supplemental jurisdiction" before considering remaining state
9 law claim); Sanford v. MemberWorks, Inc., 625 F.3d 550, 561 (9th
10 Cir. 2010) ("[I]n the usual case in which all federal-law claims
11 are eliminated before trial, the balance of factors to be
12 considered under the pendent jurisdiction doctrine--judicial
13 economy, convenience, fairness, and comity--will point toward
14 declining to exercise jurisdiction over the remaining state-law
15 claims.") (quoting Carnegie-Mellon, 484 U.S. at 350 n.7).

16 Accordingly, the Court concludes that the balance of factors
17 tips against retaining the state law claims and dismisses these
18 claims without prejudice to re-filing in state court.

19 CONCLUSION

20 For the reasons set forth above, Plaintiffs' motion is
21 DENIED. Plaintiffs' state law claims against Defendant William
22 Shultz are dismissed without prejudice to re-filing in state
23 court.

24 IT IS SO ORDERED.

25
26 Dated: October 5, 2016



27 CLAUDIA WILKEN
28 United States District Judge